

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 25-mj- 61

JOSE GUADALUPE MAURICIO-RIVERA

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of April 13, 2025, in the County of Erie, in the Western District of New York, the defendant, an alien, was found in the United States, after previously being removed or deported from the United States, without prior authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, in violation of Title 8, United States Code, Section 1326(a).

This Criminal Complaint is based on these facts:

- Continued on the attached sheet.

CHRISTOPHER M SZMANIA

Digitally signed by
CHRISTOPHER M SZMANIA
Date: 2025.05.08 08:22:16
-04'00'

Complainant's signature

CHRISTOPHER M. SZMANIA
DEPORTATION OFFICER
IMMIGRATION AND CUSTOMS ENFORCEMENT
Printed name and title

H. Kenneth Schroeder, Jr.

Judge's signature

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE
Printed name and title

City and State: Buffalo, New York

Date: May 8, 2025

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **Christopher M. Szmania**, having been first duly sworn, do hereby depose and state as follows:

1. I am a Deportation Officer with the United States Department of Homeland Security (“DHS”), Immigration and Customs Enforcement, (“ICE”), stationed in Buffalo, New York. I have been so employed since March 2008.
2. As a part of my current duties with ICE, I investigate violations of the Immigration and Nationality Act and violations of the United States Code, including violations of Title 8, United States Code, Section 1326(a), regarding the unlawful re-entry of previously removed aliens.
3. As a Deportation Officer, I am authorized to investigate violations of laws of the United States, and I am a law enforcement officer with the authority to affect arrests and execute criminal complaints and warrants issued under the authority of the United States.
4. This affidavit is being submitted for a limited purpose, that is, a probable cause determination. Therefore, I have not presented all of the facts of this investigation to date. I

have set forth only the information I believe to be necessary to establish probable cause. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and arrest warrant and does not set forth all of my knowledge about this matter.

5. I make this affidavit in support of a criminal complaint charging JOSE GUADALUPE MAURICIO-RIVERA (“MAURICIO-RIVERA”) with a violation of Title 8, United States Code, Section 1326(a), regarding the unlawful re-entry of previously removed alien. Since this affidavit is offered for the limited purpose of securing a criminal complaint, it does not contain all the information obtained during the course of the investigation.

6. On or about April 13, 2025, Immigration and Customs Enforcement Office of Enforcement and Removal Operations (“ICE ERO”) Buffalo Field Office conducted a targeted enforcement action in Warsaw, New York to locate and arrest an alien present in the United States illegally. ICE ERO observed a male subject matching the description of the target, approximately 5’5” tall and 160 pounds, with brown hair, outside of the residence in question in Warsaw, New York. ICE ERO approached the subject with Police/ICE identifiers on their outer clothing and asked the subject to identify himself. During questioning, the subject identified himself as, Jose Guadalupe Mauricio-Rivera. Immigration record checks were conducted on the scene by ICE ERO, and it was determined that MAURICIO-RIVERA is a citizen and national of Mexico who is illegally residing in the United States. MAURICIO-RIVERA was taken into custody without incident by ICE ERO

and transported to the Buffalo Federal Detention Facility in Batavia, New York for further processing.

7. A complete set of fingerprints were electronically captured from MAURICIO-RIVERA and submitted for processing. This set of fingerprints produced a positive biometric match with Alien Registration Number XXX-XXX-206 and an FBI number of XXXXXXRD3 relating to MAURICIO-RIVERA, a native and citizen of Mexico.

8. A review of the documents contained in the Alien Registration file of MAURICIO-RIVERA revealed the following:

- a. On or about March 19, 2007, MAURICIO-RIVERA was encountered by United States Border Patrol near Tucson, Arizona and voluntarily returned to Mexico.
- b. On or about March 22, 2007, MAURICIO-RIVERA was encountered by United States Border Patrol near the Tucson, Arizona and voluntarily returned to Mexico.
- c. On or about June 30, 2012, MAURICIO-RIVERA was encountered by United States Border Patrol near Casa Grande, Arizona and was served a Notice and Order of Expedited Removal on or about July 01, 2012.
- d. On or about July 03, 2012, MAURICIO-RIVERA was physically removed from the United States through the Del Rio, Texas Port of Entry pursuant to an order of removal.
- e. On or about March 17, 2018, MAURICIO-RIVERA was encountered by United States Border Patrol near Hidalgo, Texas. United States Border Patrol determined that MAURICIO-RIVERA had unlawfully entered the United States from Mexico, at a time and place other than as designated by immigration officers. MAURICIO-RIVERA's prior removal order was reinstated.
- f. On or about March 20, 2018, MAURICIO-RIVERA was convicted in the Southern District of Texas, McAllen Division of illegal entry into the

United States, in violation of Title 8 United States Code Section 1325, and was sentenced to a period of incarceration.

- g. On or about April 20, 2018, MAURICIO-RIVERA was physically removed from the United States through the Laredo, Texas Port of Entry pursuant to an order of removal by a designated official.

9. There is no evidence that MAURICIO-RIVERA had any authorization or approval from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after his last removal.

WHEREFORE, based on the foregoing, I respectfully submit that there is probable cause to believe that Jose Guadalupe MAURICIO-RIVERA did commit the offense of re-entry after deportation or removal in violation of Title 8, United States Code, Section 1326(a), in that MAURICIO-RIVERA, a citizen and native of Mexico, having been previously removed from the United States and was thereafter found present in the Western District of New York on or about April 13, 2025, without prior authorization or approval from the Attorney General of the United States or the Secretary of the Department of Homeland Security.

CHRISTOPHER M SZMANIA

Digitally signed by
CHRISTOPHER M SZMANIA
Date: 2025.05.08
08:22:37 -04'00'

Christopher M. Szmania
Deportation Officer
Immigration and Customs Enforcement

Sworn and subscribed to me telephonically
on this 8th day of May 2025.

H. Kenneth Schroeder, Jr.

HONORABLE H. KENNETH SCHROEDER, JR.
United States Magistrate Judge